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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appl. No. : 09/603,247 Confirmation No. 9739
Appellant : Raanan Liebermann
Filed : June 23, 2000
TC/A.U. : 2643
Examiner : Stella L. Woo

Docket No. : 00-422RE
Customer No. : 34704

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

REPLY BRIEF

Sir:

This is in response to the Examiner's Answer mailed
November 16, 2004.

Remarks/Arguments begin on page 2 of this paper.

REMARKS/ARGUMENTS

I. Rejection of Claim 33 Under 35 U.S.C. 251

It is noted that the Examiner has modified the rejection under 35 U.S.C. 251. It appears that only claim 33 stands rejected on this grounds.

On pages 3 - 5, and 8 and 9 of the Examiner's Answer, the Examiner puts forth her position on the issue of recapture. The position is not well taken. The Examiner's focus remains on the allowed or issued claim and the amendments which were made to gain the allowance of claim. This is the wrong focus. As noted in Appellant's Brief, the focus should commence with the rejected claims, not the allowed claims. It is noted that in her analysis, the Examiner does not discuss the *Eggert* case which sets forth the proposition that the focus should commence with the rejected claims.

It is also noted that the Examiner does not dispute the analysis of claim 33 which appears on pages 9 - 12 of Appellant's Brief.

It is submitted that the rejection of claim 33 under 35 U.S.C. 251 should be reversed for the reasons set forth in Appellant's Brief.

II. Rejection of Claims 33, 35, 36

38, 40, and 42 - 44 As Being

Anticipated By Sakiyama et al.

It is clear from the Examiner discussion of elements of the Sakiyama et al. patent on pages 5 and 6 of the Appeal Brief that Sakiyama et al. could not anticipate the invention of claim 33. While Sakiyama et al. may disclose a monitor (7) on which text is displayed, the monitor (7) does not include "means for receiving words and phrases from the hearing impaired person." To meet this limitation of claim 33, the Examiner relies upon video camera 21 and sign language word recognition unit 23. Neither of these elements forms any part of the monitor (7), which is what claim 33 calls for. The Examiner's position would be correct if the sixth paragraph of claim 33 read "said system utilized" But this is not the way the claim reads. The sixth paragraph of the claim clearly says that "said device utilized by said hearing impaired person including means for receiving words and phrases from the hearing impaired person." The word "device" refers to the device mentioned in the preceding paragraph. As noted above, the monitor (7) in Sakiyama et al. lacks the claimed means.

With regard to the argument presented on pages 10 of the Examiner's Answer, the Examiner is clearly missing the point of Appellant's argument. The claim limitation is not directed to

"any" device, it is specific to the device on which the outputted textual material is displayed. That is why the Examiner's interpretation of Figure 22 is wrong.

Claim 33 is believed to be allowable for the reasons set forth above, as well as for the reasons set forth in Appellant's Brief.

With regard to claim 36, the Examiner's interpretation is wrong. The means for converting the captured signing motions into identifiers and the means for transmitting the identifiers to the translating means can not be the sign language word recognition unit and the sign language/voice language conversion unit. Claim 33 clearly calls for "means for transforming said spoken words into equivalent signing content and then into textual material" as part of the translating means. In Sakiyama et al., the sign language/voice language unit never converts anything into textual material. It merely converts sign language to something which an aurally normal person can hear. Since the output of recognition unit (23) and conversion unit (25) never goes to any structure which meets the claimed translating means, these elements could not possibly anticipate the subject matter of claim 36 which clearly calls for "means for transmitting said plurality of identifiers to said translating means".

Claim 38 is allowable because the unit (25) does not form any part of the claimed translating means for the reasons set forth in connection with claim 36.

With regard to the rejection of claim 40, it should be noted that the claim is specific to the device (discussed above in connection with claim 33) as having the claimed converting means. As discussed above, the only device which displays textual material in Sakiyama et al. is the monitor (7). There is no disclosure in Sakiyama et al. that the monitor (7) has the claimed converting means. Nor is there any explanation in the Examiner's interpretation as to how keyboard unit (4) and sign language conversion unit (5) convert any textual material received from a translating means into reduced identifying pointers. In fact, the keyboard unit and the sign language conversion unit do not receive the claimed textual material.

Regarding claim 42, the claim is allowable because there is absolutely no disclosure in Sakiyama et al. that the computer is portable and/or the computer functions as a transmitter/receiver. Additionally, claim 42 refers to the "device" in claim 33. The computer in Sakiyama et al. does not meet the limitations set forth in claim 33 relating to the "device". In particular, no textual information is displayed on the computer because the computer has no display screen.

Claims 35, 36, 38, 40 and 42 - 44 are believed to be allowable for the reasons set forth above as well as for the reasons set forth in Appellant's Brief.

*III. Rejection of Claims 34, 37,
and 45 over Sakiyama et al.
in view of Wycherley*

As noted in Appellant's Brief, claims 34, 37, and 45 are allowable because Wycherley does not cure the deficiencies of Sakiyama et al.

With regard to the Examiner's arguments presented on pages 11 - 12 of the Examiner's Answer, assuming *arguendo* that Wycherley et al. teaches the desirability of using a telephone network to allow communication between a hearing impaired person and a hearing person, the Examiner has not explained what would motivate one of ordinary skill in the art to place the translating means in a station remote from the hearing impaired person and the hearing person. In Appellant's opinion, there is nothing in Wycherley et al. which would teach the subject matter of claim 34. There is nothing in Wycherley et al, which teaches putting a translating means having means for transforming spoken words into equivalent signing content into a remote station.

With regard to claim 37, there is nothing in Wycherley et al. which would teach or suggest splitting the system set forth in claim 33, 35, 36, and 37 so that the means for converting the captured signing motions into a plurality of identifiers and the translating means are in two different locations and are connected together by at least one telephone line. There is absolutely no motivation arising out of either Wycherley et al. or Sakiyama et al. which would lead one of ordinary skill in the art to arrive at such a system.

With respect to claim 45, the Examiner has not explained how either of the references teach or suggest the subject matter of the claim. For example, the Examiner has not explained what constitutes the claimed device which includes means for converting the transmitted text to animated images and why one of ordinary skill in the art having the Sakiyama et al. system would want to transmit the text from unit (6) to monitor (7) via telephone lines.

IV. NEW GROUND OF REJECTION

OF CLAIM 41

Claim 41 is allowable because the newly applied King patent does not cure the deficiencies of the Sakiyama et al. patent.

CONCLUSION

For the foregoing reasons, as well as the reasons set forth in Appellant's Brief, the claims on appeal are believed to be allowable. The Board is hereby requested to reverse the rejections of record and remand the instant application to the Primary Examiner for issuance and allowance.

FEEs

No fee is believed to be due as a result of the instant Reply Brief. Should the Director determine that a fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

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I, Nicole Motzer, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on January 17, 2005.

